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19 HARRIS; UNIVERSITY OF CALIFORNIA AT BERKELEY POLICE OFFICER MICHAEL  
20 WYCKOFF; and UNIVERSITY OF CALIFORNIA AT BERKELEY POLICE OFFICER

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28 STIPULATION AND ~~PROPOSED~~ ORDER IN RESPONSE TO ORDER  
TO SHOW CAUSE

Case No.: CV 10 5594 YGR

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11 Attorneys for Plaintiff

12 DAVID MORSE

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28 STIPULATION AND ~~PROPOSED~~ ORDER IN RESPONSE TO ORDER  
TO SHOW CAUSE

Case No.: CV 10 5594 YGR

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DAVID MORSE,

Plaintiff,

vs.

REGENTS OF THE UNIVERSITY OF CALIFORNIA, BERKELEY; UNIVERSITY OF CALIFORNIA AT BERKELEY POLICE DEPARTMENT; UNIVERSITY OF CALIFORNIA AT BERKELEY POLICE CHIEF MITCHELL J. CELAYA III; UNIVERSITY OF CALIFORNIA AT BERKELEY POLICE DETECTIVE NICOLE MILLER; UNIVERSITY OF CALIFORNIA AT BERKELEY POLICE OFFICER REICH; UNIVERSITY OF CALIFORNIA AT BERKELEY POLICE OFFICER SERGEANT HARRIS; UNIVERSITY OF CALIFORNIA AT BERKELEY POLICE OFFICER WYCOFF; UNIVERSITY OF CALIFORNIA AT BERKELEY POLICE OFFICER MANCHESTER; CITY OF BERKELEY POLICE DEPARTMENT; CITY OF BERKELEY POLICE CHIEF MICHAEL K. MEEHAN; COUNTY OF ALAMEDA; ALAMEDA SHERIFF'S DEPARTMENT; ALAMEDA COUNTY SHERIFF GREGORY J. AHERN; and DOES 1-25

Defendants.

Case No.: CV 10 5594 YGR

**STIPULATION AND ~~[PROPOSED]~~  
ORDER VACATING PRE-TRIAL  
CONFERENCE AND TRIAL DATES IN  
RESPONSE TO ORDER TO SHOW  
CAUSE**

The parties to the above captioned litigation hereby stipulate by and through their undersigned attorneys of record as follows:

WHEREAS, this Court has issued an order to show cause why this matter should not be dismissed due to the failure of the parties to file pre-trial conference documents.

STIPULATION AND ~~[PROPOSED]~~ ORDER IN RESPONSE TO ORDER  
TO SHOW CAUSE

Case No.: CV 10 5594 YGR

1 WHEREAS, the parties have reached a settlement in this matter. The parties recently  
 2 signed the Settlement Agreement, and the Settlement Agreement is therefore now in effect. All  
 3 that remains to complete the settlement of this case is the issuance of the settlement check and  
 4 confirmation from defense counsel that the University of California at Berkeley Police  
 5 Department has complied with its obligations set forth in the Settlement Agreement. These last  
 6 contingencies will be completed within the next three weeks;

7 WHEREAS, the parties anticipate that the stipulation to request that this court dismiss  
 8 this case with prejudice will be filed within the next three weeks;

9 THE PARTIES STIPULATE AND AGREE THAT:

10 1. Within five days after defendants have satisfied their obligations under the  
 11 Settlement Agreement, the parties will file with the Court a stipulation and agreement to  
 12 dismiss this action with prejudice;

13 2. The parties request that the Court vacate the June 25, 2012 Order to Show  
 14 Cause hearing, and set a Case Management Conference for July 13, 2012, or as soon  
 15 thereafter as is practicable, so that, if the stipulation of dismissal has not been previously filed,  
 16 the parties shall address compliance with the Settlement Agreement and dismissal of the  
 17 action, and that the parties would file a joint statement five business days prior to the Case  
 18 Management Conference; and

19 3. The parties request that the Court vacate the July 9, 2012 trial date.

20 IT IS SO STIPULATED.

21 Dated: June 18, 2012

**STUBBS & LEONE**

22 By: /s/ Claudia Leed  
 23 LOUIS A. LEONE, ESQ.  
 CLAUDIA LEED, ESQ.

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1 Dated: June 18, 2012

**SCHIFF HARDIN LLP**

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3 By: /s/ William J. Carroll.  
4 WILLIAM J. CARROLL, ESQ.  
5 SARAH D. YOUNGBLOOD, ESQ.

6 Attorneys for Defendants  
7 UNIVERSITY OF CALIFORNIA AT BERKELEY  
8 POLICE CHIEF MITCHELL J. CELAYA III;  
9 UNIVERSITY OF CALIFORNIA AT BERKELEY  
10 POLICE DETECTIVE NICOLE MILLER;  
11 UNIVERSITY OF CALIFORNIA AT BERKELEY  
12 POLICE OFFICER SABRINA REICH;  
13 UNIVERSITY OF CALIFORNIA AT BERKELEY  
14 POLICE SERGEANT LEE HARRIS;  
15 UNIVERSITY OF CALIFORNIA AT BERKELEY  
16 POLICE OFFICER MICHAEL WYCKOFF; and  
17 UNIVERSITY OF CALIFORNIA AT BERKELEY  
18 POLICE OFFICER CRISTA MANCHESTER

14 Dated: June 18, 2012

**GROSS BELSKY ALONSO LLP**

15 By: /s/ Terry Gross.  
16 TERRY GROSS, ESQ  
17 Attorneys for Plaintiff

18 Dated: June 18, 2012

**THE FIRST AMENDMENT PROJECT**

19 By: /s/ James Wheaton.  
20 JAMES WHEATON, ESQ.  
21 Attorneys for Plaintiff David Morse

22 Dated: June 18, 2012

**BRYAN CAVE LLP**

23 By: /s/ David Greene.  
24 DAVID GREENE, ESQ.

25 Attorneys for Plaintiff for David Morse  
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**ORDER**

Pursuant to the stipulation of the parties:

1. The July 9, 2012 trial date is vacated.
2. Within five days after defendants have satisfied their obligations under the

Settlement Agreement, the parties are ordered to file with the Court a stipulation and agreement to dismiss this action with prejudice;

3. The June 25, 2012 Order to Show Cause hearing and pretrial conference are **VACATED** and a Compliance hearing is hereby set for Friday, July 13, 2012 at 9:01 a.m. By five (5) business days prior, if the parties have not at that time filed with the Court a stipulation and agreement to dismiss this action, the parties are ordered to file a joint statement notifying the Court of the status of the parties' compliance with the Settlement Agreement.

This Order terminates Dkt. No. 70.

IT IS SO ORDERED.

Dated: June 21, 2012



YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE

**SIGNATURE ATTESTATION**

I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/) within this efiled document.

Dated: June 18, 2012

/s/ Terry Gross.  
TERRY GROSS